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CITY OF ANAHEIM, JORGE
CISNEROS, PAUL DELGADO, BRETT
HEITMAN, KENNETH WEBER, and
CATALIN PANOV

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ANTONIO LOPEZ, individually;
JOHANNA LOPEZ, individually;
M.R., by and through his guardian ad
litem, April Rodriguez, individually and
as successor in interest to Brandon
Lopez; B.L. and J.L., by and through
their guardian ad litem Rachel Perez,
individually and as successor in interest
to Brandon Lopez; S.L., by and through
his guardian ad litem, Rocio Flores,
individually and as successor in interest
to Brandon Lopez,

Plaintiffs,

vs.

CITY OF ANAHEIM; CITY OF
SANTA ANA; DAVID VALENTIN;
JORGE CISNEROS; PAUL
DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351-JVS-ADS
[Hon. James V. Selna, Dist. Judge; Hon.
Autmn D. Spaeth, M. Judge]

**DECLARATION OF ABIGAIL J. R.
McLAUGHLIN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO
STRIKE UNDISCLOSED
EXHIBITS SUBMITTED IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 37**

*Filed Concurrently with Opposition to
Motion to Strike*

Date: August 19, 2024

Time: 1:30 p.m.

Crtrm.: 10F

FPTC: September 9, 2024
Trial Date: September 17, 2024

1 I, Abigail J. R. McLaughlin, declare as follows:

2 1. I am an attorney duly admitted to practice in all of the courts of the State
3 of California and I am a partner with Lewis Brisbois Bisgaard & Smith LLP, attorneys
4 of record for Defendants CITY OF ANAHEIM, JORGE CISNEROS, PAUL
5 DELGADO, BRETT HEITMAN, KENNETH WEBER, and CATALIN PANOV
6 herein. The facts set forth herein are of my own personal knowledge, and if sworn I
7 could and would competently testify thereto.

8 2. Upon information and belief, on October 10, 2022, Defendant City of
9 Anaheim served its Initial Disclosures in this matter. A true and correct copy of those
10 Initial Disclosures is attached hereto as Exhibit "A". Of note, at the time of Defendant
11 City of Anaheim's service of its Initial Disclosures, undersigned counsel was not
12 counsel of record.

13 3. On November 17, 2023, Plaintiff Antonio Lopez propounded his
14 Request for production of Documents, Set One on Defendant City of Anaheim –
15 which included requests for interview recordings that arguably embrace the eleven
16 officer audio interviews at issue in Plaintiffs' motion. On December 11, 2023,
17 Defendant City timely provided its responses. A true and correct copy of those
18 responses are attached hereto as Exhibit "B".

19 4. Plaintiff Antonio Lopez never initiated a meet and confer about his
20 purported issues with Defendant City's responses pursuant to Local Rule 37-1, nor
21 did Plaintiff Antonio Lopez ever file a motion regarding any alleged deficiencies prior
22 to the June 7, 2024 fact discovery cut-off or the August 12, 2024 law and motion cut-
23 off in this matter.

24 5. On January 17, 2024, Defendant City of Anaheim supplemented its
25 initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1), as Defendant City of Anaheim
26 was disclosing/identifying two additional items that Plaintiffs had informed
27 Defendant City of Anaheim that had not been previously produced. This
28 supplemental disclosure also identified items that were previously disclosed with

1 Defendant City of Anaheim's responses to requests for production for clarity. A true
2 and correct copy of this supplemental disclosure is attached hereto as Exhibit "C".

3 6. On July 15, 2024, Defendants filed and served their Motion for Summary
4 Judgment ("MSJ"), which included, as part of Defendants' Notice of Lodging,
5 overnight delivery of the officer interview audio recordings now at issue. A true and
6 correct copy of that Notice of Lodging is attached hereto as Exhibit "D".

7 7. On July 17, 2024, two days after Defendants filed their MSJ and
8 provided Plaintiffs with a USB with all video and audio exhibits used in support of
9 Defendants' MSJ, Plaintiffs requested that Defendants provide the complete copies
10 of the interview and video transcripts used by Defendants in support of their MSJ. At
11 this time, both myself and other defense counsel believed that all such documents in
12 support of Defendants' MSJ had been identified and/or already provided to Plaintiffs.
13 On July 18, 2024, for the first time, Plaintiffs informed Defendants that the audio-
14 recorded interviews listed on Defendant City of Anaheim's Initial Disclosures had
15 never been produced to Plaintiffs and that they would be bringing the subject Motion
16 to Strike. A true and correct copy of this e-mail correspondence is attached hereto as
17 Exhibit "E".

18 8. That same day, Defendants provided a link to the complete copies of the
19 interview and video transcripts used by Defendants in support of their MSJ, along
20 with lengthy correspondence explaining that Defendants had not violated Federal
21 Rule of Civil Procedure 37 and that Defendants' MSJ exhibits were not subject to
22 striking. A true and correct copy of this correspondence is attached hereto as Exhibit
23 "F".

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9. The Parties then complied with Local Rule 7-3 by meeting and conferring via telephone. Unfortunately, an agreement could not be reached to avoid the subject Motion and Defendants' opposition thereto.

/s/ Abigail J.R. McLaughlin
Abigail J. R. McLaughlin